# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 09/658,332 | 09/08/2000 | Teddy A. Demirjian | WIZZ.002DV1 | 2582 |

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|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 3624 | |

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 September 2005*.

2a)☐ This action is **FINAL**.           2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *6-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some *  c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

1.      Claims 6-10 are pending.  Claims 6 and 10 have been amended in this communication filed 9/26/05 entered as Response to Non-Final Action.

2.      The correspondence address change filed 12/07/05 has been entered.

3.      The Drawing Figure 3 filed 09/26/05 is now in compliance with the Office's Amendment practice for drawings.

4.      The Substitute Specification filed 8/10/05 has been reviewed and still remains objected to for the reasons set forth here below.

5.      Claim 10 still remains withdrawn for the reasons set forth here below.


## Specification

6.      The Specification is objected to because the upper left corner of the Specification reads "WIZZ.002 DV1" which needs to be deleted and the upper left corner reads "PATENT" which needs to be replaced with 09/658,332 on each page of the Specification for scanning and print purposes enable these persons to identify which pages belong to application 09/658,332.  In line 7, serial no. should be inserted as 09/658,331 and line 9 the status that the application is now abandoned if the application is going to remain abandoned.  Correction is required.  See MPEP § 608.01(b).

### *Claim Objections*

7.      Claim 10 is objected to because of the following informalities:  Claim 10 (IV) line 6 recites "cycle of the transaction as defined by authorized user(s) of the;".  This line

would be better recited as "cycle of the transaction as defined by authorized users of

the;". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

8.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.      Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 6 in paragraph 2 recites "at least one database hosted

by said at least one server having stored thereon a plurality of user profiles which

correlate system users with user specific data manipulation logic and data display

format and a plurality of business logic rules defining system operations that are

performed in response to transactions requested by system users, said at least one

database also having stored thereon client transaction information such that a common

set of client transaction information is available for display and manipulation to the

investment advisor firm as well as broker/dealer firms and custodian banks in

accordance with a user profile defined for each corresponding user; paragraph 4 recites

a transaction manager configured to (1) receive transaction requests from said user

profile and session manager, said transaction requests operative to produce changes to

database content and user display, and also configured to (2) forward transactions that

the user is authorized to perform to transaction execution modules, wherein said

forwarding comprises transmitting a logic execution request for database changes to a

business logic manager configured to execute the transactions that the user is

authorized to perform in accordance with said business logic rules and transmitting a

presentation request to a presentation dialog manager configured to display data to the

screen according to the user profile; and the last paragraph of claim 6 on page 3 recites

"wherein said business logic rules and user profiles are configured such that a portfolio

manager system user inputs equity trades for a plurality of investors to the system using

an interface defined by a user profile assigned to said portfolio manager system user,

and such that a broker/dealer user of the system receives information regarding said

equity trades in a format defined by a user profile assigned to said broker/dealer user of

the system". These claim limitations are very confusing and unclear as written. It

cannot be determined what the Applicant is trying to claim as the invention.

The Examiner is unable to determine the metes and bounds of claim 6 because of the

manner in which the claim limitations are written. These claim limitations are vague and

indefinite and obfuscate the invention. Therefore the art is being applied in light of 35

USC 112, second paragraph.

The Examiner has applied the best art that is considered applicable according to the

broadest reasonable interpretation of the claims.

### *Claim Rejections - 35 USC § 103*

10.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.     The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.     Determining the scope and contents of the prior art.
2.     Ascertaining the differences between the prior art and the claims at issue.
3.     Resolving the level of ordinary skill in the pertinent art.
4.     Considering objective evidence present in the application indicating
       obviousness or nonobviousness.

12.     Claims 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over (US 5,918,217) Maggioncalda et al, hereafter Maggioncalda in view of (US

6,615,258) Barry et al, hereafter Barry.

       As per claim 6,  Maggioncalda teaches, An information management system

accessible simultaneously to a plurality of users, said system comprising:  at least one

server coupled to an investment advisor computer network comprising computers used

by portfolio managers and equity traders (col. 5, lines 39-col. 6, line 14 and fig. 1); at

least one database hosted by said at least one server having stored thereon a plurality

of user profiles which correlate system users with user specific data manipulation logic,

data display format and a plurality of business logic rules defining system operations

that are performed in response to transactions requested by system users, said at least

one database having stored thereon client transaction information such that a common

set of client transaction information is available for display and manipulation to the

investment advisor firm as well as broker/dealer firms and custodian banks in

accordance with a user profile defined for each corresponding user (col. 6, lines 10-12

and lines 46-54 and line 63-col. 7, line 58, col. 8, lines 57-62, and col. 10, lines 20-58);

a user profile and session manager configured to process the at least one user profile to

determine which information is available to a user and a data display format that at least

in part defines system operation (col. 5, line 47-col. 6, line 42, fig. 1, and fig. 2); and

wherein said business logic rules and user profiles are configured such that a portfolio

manager system user inputs equity trades for a plurality of investors to the system using

an interface defined by a user profile assigned to said portfolio manager system user,

and such that a broker/dealer user of the system receives information regarding said

equity trades in a format defined by a user profile assigned to said broker/dealer user of

the system. Barry teaches, wherein said business logic rules and user profiles are

configured such that a portfolio manager system user inputs equity trades for a plurality

of investors to the system using an interface defined by a user profile assigned to said

portfolio manager system user, and such that a broker/dealer user of the system

receives information regarding said equity trades in a format defined by a user profile

assigned to said broker/dealer user of the system (col. 6, lines 10-12, col. 7, lines 8-37,

col. 10, lines 20-30 and line 46 –col. 11, line 16, fig. 3, fig. 4, fig. 5b, fig. 8, and fig. 11).

Maggioncalda failed to teach, a transaction manager configured to (1) receive

transaction requests from said user profile and session manager, said transaction

requests operative to produce changes to database content and user display, and also

configured to (2) forward transactions that the user is authorized to perform to

transaction execution modules, wherein said forwarding comprises transmitting a logic

execution request for database changes to a business logic manager configured to

execute the transactions that the user is authorized to perform in accordance with said

business logic rules and transmitting a presentation request to a presentation dialog

manager configured to display data to the screen according to the user profile; an

information manager configured to store executed transactions in the at least one

database, wherein at least some of the business logic rules define modifications to user

profiles to be performed in response to modifications of client transaction information.

Barry teaches, a transaction manager (fig. 16b (2320)) configured to (1) receive

transaction requests from said user profile (fig. 7) and session manager (col. 6, lines 57-

66), said transaction requests (fig. 16b (2310)) operative to produce changes to

database content and user display (col. 40, lines 45-61), and also configured to (2)

forward transactions that the user is authorized to perform to transaction execution

modules, wherein said forwarding comprises transmitting a logic execution request for

database changes to a business logic rules and transmitting a presentation request to a

presentation dialog manager configured to display data to the screen according to the

user profile (fig. 1 (20), fig. 1 (12), (fig. 5)) and an information manager configured to

store executed transactions in the at least one database, wherein at least some of the

business logic rules define modifications to user profiles to be performed in response to

modifications of client transaction information (col. 20, line 47-col. 21, line 14).  It would

have been obvious to one having ordinary skill in the art at the time the invention was

made to have a transaction manager configured to (1) receive transaction requests from

said user profile and session manager, said transaction requests operative to produce

changes to database content and user display, and also configured to (2) forward

transactions that the user is authorized to perform to transaction execution modules,

wherein said forwarding comprises transmitting a logic execution request for database

changes to a business logic manager configured to execute the transactions that the

user is authorized to perform in accordance with said business logic rules and

transmitting a presentation request to a presentation dialog manager configured to

display data to the screen according to the user profile; an information manager

configured to store executed transactions in the at least one database, wherein at least

some of the business logic rules define modifications to user profiles to be performed in

response to modifications of client transaction information and to modify in

Maggioncalda because such a modification would allow Maggioncalda's system to have

the ability to receive transaction requests from a user according to the user profile.

As per claim 8,  Maggioncalda failed to teach, The system of Claim 6, wherein

said server is coupled to said investment advisor network of computers via the Internet.

Barry teaches, said server is coupled to said investment advisor network of computers

via the Internet (col.2, lines 47-49 and fig. 1 (22 and 24). It would have been obvious to

one having ordinary skill in the art at the time the invention was made to have the server

coupled to the investment advisor network of computers via the Internet and to modify in

Maggioncalda because such a modification would allow Maggioncalda to have a more

efficient and economical investor advisor system.

AS per claim 9,  Maggioncalda failed to teach, The system of Claim 8, wherein

said investment advisor computers access said server via a browser application.  Barry

teaches, wherein said investment advisor computers access said server via a browser

application (col. 2, lines 47-65 and fig. 2 (20 & 24).  It would have been obvious to one

having ordinary skill in the art at the time the invention was made to have the

investment advisor computers access the server via a browser application and to modify

in Maggioncalda because such a modification would allow Maggioncalda to provide

investment advisory services over the Internet using a server to access the browser

application.

### Response to Arguments

13.     Applicant's arguments filed 9/26/05 have been fully considered but they are not

persuasive.

Issue no. 1: Applicant argues: Maggioncalda fails to teach a network with multiple

users, e.g.portfolio managers and equity traders, each with a specific user profile, the

user profiles which correlate the user with specific data manipulation logic and a

plurality of business logic rules, a common set of client transaction information that is

available for display and manipulation to the investment advisor firm as well as

broker/dealer firms and custodian banks as taught in claim 6 has been considered but is

not persuasive.  Response:  The claim limitations of claim 6 are not interpreted to read a

network with multiple users, e.g.portfolio managers and equity traders, each with a

specific user profile, the user profiles which correlate the user with specific data

manipulation logic and a plurality of business logic rules, a common set of client

transaction information that is available for display and manipulation to the investment

advisor firm as well as broker/dealer firms and custodian banks.  This claim limitation

with the fourth claim limitation as rejected above for the second Office Action is vague

and indefinite as written and obfuscate the invention.

Issue no. 2: Applicant argues: claim 10 has been amended to further define the plurality of users in the system are those required to completer an equity order transaction, and the data needed by each user is accessible for viewing or manipulating through out the entire life cycle of an equity order transaction depending on the user's role in the transaction ..." has been considered but is not persuasive. Response: Claim 10 still has limitations that are not found in claims 6, 8, and 9. Claim 10 appears to be everything trying to be claimed in one claim that has not been presented in the other claim limitations of claims 6, 8, and 9 and is therefore considered a separate invention since this claim can stand alone in another application or separate invention. Claim 10 is directed to an equity based transaction management system that manages the entire life cycle of an equity order transaction. It is suggested: Either claim 10 be more closely related to claim 6 and to add the life cycle and dialog/presentation elements to claim 6.

Conclusion: Applicant is respectfully requested to view the claims in the references used in this rejection for the preferred format of the independent claims rejected under 35 USC 112 second paragraph.

### Conclusion

14.     The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Cahill et al (US 6535,855) disclosed financial transactions and account management in an on-line banking system.

## Inquiries

15.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

E. Colbert
Primary Examiner
March 20, 2006